

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO: 13821 of 1993

Between:

1. T.Narasimhulu, S/o.Subbaiah, 53 years,
Junior Assistant, Vinayakumar High School,
Anantapur, Anantapur Distriact.
2. K.Anthony, s/o.Arogyappa, 44 years,
Record Assistant, Vinayakumar High School,
Anantapur. .. Petitioners

AND

1. The Director of School Education,
Andhra Pradesh, Hyderabad.
2. The District Educational Officer,
Anantapur.
3. The Government of A.P. rep. by its; Secretary,
Education Department, Secretariat,
Hyderabad.
4. The Correspondent, Vinaya Kumar High
School, Anantapur, Anantapur District.

....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of Certiorari calling for records relating to the impugned Proc. No.45/Vig.II/92-1 dt.09-01-1993 issued by the Director of School Education, A.P., Hyderabad and also Govt. Memo.No.9279/Ser.IV-1/86-4 dated 06-01-1987 issued by Education Dept.,

Counsel for the Petitioners: MR.P.SATYANARAYANA (not present)

Counsel for the Respondent No.1 to 3: GP FOR SCHOOL EDUCATION

The Court made the following:

HONOURABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITION No. 13821 OF 1993

(For being mentioned)

ORDER:

Heard the learned Government Pleader for School Education.

By order dated 02-04-2004, this Court allowed the writ petition on the representation made by the learned Government Pleader for School Education, appearing on behalf of the respondents, that in view of the order dated 16-04-1993 passed in W.P.No.4259 of 1993, this writ petition has to be allowed. Basing on such representation made by the learned Government Pleader, this writ petition was allowed.

After verification, it is found that the said W.P.No.4259 of 1993 was dismissed by this Court for default on 15-04-2004. Therefore, the order dated 02-04-2004 passed by this Court, in this writ petition, basing on the representation made by the Government Pleader for School Education is factually erroneous. Therefore,

the order of this Court dated 02-04-2004 passed in Writ Petition No.13821 of 1994 is hereby recalled.

Today, the learned counsel appearing for the writ petitioner is not present, in spite of the fact that this writ petition is being listed, from time to time, under the caption “for being mentioned”.

Today, It is represented by the learned Government Pleader for School Education that the writ petitioner had already retired from service and no cause of action would survive as on date. But, it is a matter, again to be verified and the writ petition cannot be dismissed basing on the representation made by the learned Government Pleader for School Education since the learned counsel for the petitioner is absent.

In the circumstances, the order dated 02-04-2004 passed in Writ Petition No.13821 of 1993 is recalled and this writ petition is dismissed for default. No costs.

2nd August 2004

KVR

To

1. The Director of School Education,
Andhra Pradesh, Hyderabad.
2. The District Educational Officer,
Anantapur.
3. The Government of A.P. rep. by its; Secretary,
Education Department, Secretariat,
Hyderabad.
4. Two C.Cs to the GP for School Education, High Court Buildings, High
Court of AP, Hyderabad. (O.U.T.)
5. Two C.D.Copies.